

AN ORDINANCE TO AMEND CHAPTER 12.10 OF THE POLSON MUNICIPAL CODE, "REMOVAL OF SNOW AND/OR ICE":

Whereas, the City of Polson has adopted a Municipal Code that sets forth the obligations of landowners or tenants adjoining public sidewalks to remove snow and ice accumulations therefrom pursuant to the terms of the said Code at Chapter 12.10 thereof; and,

Whereas, the City of Polson desires to amend Chapter 12.10 in certain particulars to provide for greater enforcement opportunities and procedures in the interest of the general public:

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF POLSON, MONTANA:

Chapter 12.10 REMOVAL OF SNOW AND/OR ICE is amended to read as follows:

Section 12.10.010 Removal of snow and/or ice. It shall be the duty of the owner or tenant, jointly and severally and in absolute liability, of any premises abutting or adjoining any public sidewalk to immediately remove all snow and/or ice from such sidewalk, and to prevent any accumulation of such materials thereon.

Section 12.10.020 Enforcement and collection. In the event of the failure of any person described in Section 12.10.010 to comply with the removal of snow and/or ice as set forth in that Section, the City shall, upon complaint thereof by an interested person, cause such work to be done at the expense of the property owner as soon as it may practicably be undertaken. In the event of complaints made on weekday evenings or on weekends and holidays, any action by the City shall be postponed until after the start of the next regular business day. In the event that the City undertakes such work, the City shall ascertain and keep a record of the exact date and costs of all work caused to be done in accordance with this Ordinance on account of each act or omission; a legal description of the lot or lots fronting, abutting on or containing within a public use easement the sidewalks cleared along with the street address; and the identity of the owner(s) of the premises along with, when possible, any tenants(s), occupant(s) or lessee(s).

- a. The owner of such property shall be liable to the City for the cost of any work undertaken by it hereunder. The costs will be: a minimum of \$25.00 for up to one-half hour of snow removal work plus actual time for snow removal beyond one-half hour pro-rated at the rate of \$50.00 per hour, plus an administrative fee of \$35.00. The City shall provide written notice of the amount owed to the City as soon as practicable; the payment of such amount may be enforced through suit for collection or by levying an assessment on the premises, or both.
- b. In the event of assessment, the City Council shall annually pass and adopt a resolution levying an assessment and tax against each lot or parcel of land fronting, abutting on, or containing within a public use easement the sidewalks cleared under the order of the City and according to its report. Any such assessment or tax against the lot or parcel of real estate to which this sidewalk clearing service is furnished and for which payment is delinquent shall become a lien on the real estate receiving the benefit.

2. Section 12.10.030 is repealed.

REPEALING CLAUSE: All Ordinances or parts of ordinances in conflict herewith are hereby repealed.

FIRST READING: January 5, 2004

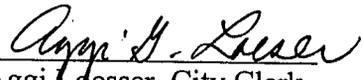
SECOND READING: January 20, 2004

NOW, THEREFORE, the foregoing Ordinance shall become effective on February 19, 2004

PASSED AND ADOPTED THIS 20th of January, 2004

CITY OF POLSON


Randy Ingram, Mayor

ATTEST: 
Aggi Loesser, City Clerk